

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

In Re:	)	MDL Case No. 1:03-md-1552
	)	
UNUMPROVIDENT CORP.	)	<i>Securities Fraud, Derivative, and</i>
SECURITIES, DERIVATIVE, &	)	<i>ERISA 401(K) Actions</i>
ERISA LITIGATION	)	
	)	Judge Curtis L. Collier

**NOTICE OF INITIAL MANAGEMENT CONFERENCE FOR  
SECURITIES FRAUD, DERIVATIVE, AND ERISA 401(K) ACTIONS**

At 9:00 a.m. on Friday, January 16, 2004, at the United States Courthouse, 900 Georgia Avenue, Chattanooga, Tennessee, the Court will conduct an initial management conference for actions within Multidistrict Litigation 1552 ("MDL-1552") filed by purchasers of UnumProvident stock claiming violations of various federal securities laws, UnumProvident shareholders asserting derivative claims on behalf of the corporation, and UnumProvident employees participating in the company's 401(k) plan alleging violations of various fiduciary duties under the Employee Retirement Income Security Act ("ERISA"). The Court anticipates the conference will last no longer than two hours. Counsel in the below listed cases are expected to attend:

*In re UnumProvident Corp. Derivative Litigation*, 1:02-cv-386  
*In re UnumProvident Corp. Securities Litigation*, 1:03-cv-49  
*Gee, et al. v. UnumProvident Corp., et al.*, 1:03-cv-147  
*Azzolini v. CorTS Trust II for Provident Financial Trust I, et al.*, 1:03-cv-1003  
*Bernstein v. CorTS Trust for Provident Financing Trust I, et al.*, 1:03-cv-1005  
*Finke, et al. v. CorTS Trust II for Provident Financial Trust I, et al.*, 1:03-cv-1006  
*Strahle v. CorTS Trust II for Provident Financing Trust I, et al.*, 1:03-cv-1007

Counsel in the other cases included in MDL-1552 may also attend, as well as counsel in any cases which are included or anticipate being included in MDL-1552 as "tag-along" cases.

Each attorney who will attend the conference shall notify the Court on or before **Monday, January 12, 2003**, by sending an e-mail to the Court's Judicial Assistant, Sheila Hendrix, at sheila\_hendrix@tned.uscourts.gov. The e-mail shall include the attorney's name, the party whom the attorney represents, and the case name and number in which the attorney is involved.

Counsel attending the conference shall be prepared to discuss the following matters concerning the securities fraud, shareholder derivative, and ERISA 401(k) portions of MDL-1552:

- 1) A case management plan for these cases
- 2) Organization of counsel
- 3) Selection of lead counsel
- 4) Responsibilities of designated counsel
- 5) Managing costs and preventing duplication of effort
- 6) Dual-track approach to settlement and discovery/pretrial motions
- 7) Scheduling, including the time required to conclude pretrial proceedings
- 8) Motions schedules
- 9) Mediation
- 10) Document preservation

The Court acknowledges it is in receipt of joint submissions from UnumProvident and the plaintiffs in *In re UnumProvident Corp. Derivative Litigation*, Docket No. 1:02-cv-386, and *In re UnumProvident Corp. Securities Litigation*, Docket No. 1:03-cv-49, addressing some of the matters listed above. Counsel may suggest other items to be included on the agenda for this conference by sending a letter to the Deputy Clerk-in-Charge, in accordance with paragraph 13 of the Practice and Procedure Order issued in MDL-1552 on October 9, 2003. Counsel are also reminded to comply with paragraph 6 of that Order, regarding the list of attorneys for purposes of service in MDL-1552.

**SO ORDERED.**

**ENTER:**

---

CURTIS L. COLLIER  
UNITED STATES DISTRICT JUDGE